

Docket No.: 50074-042



#57 Response
7-1-02
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Matti SERVO, et al.

Serial No.: 09/836,546

Group Art Unit: 1723

Filed: April 18, 2001

Examiner: Marianne Ocampo

For: ARRANGEMENT FOR FASTENING FILTER CLOTH TO SOLID-LIQUID
SEPARATOR

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
Washington, DC 20231

Sir:

Noting the Office Action of May 23, 2002 wherein restriction has been required, Applicants hereby elect Group I (claims 1-6), species 1, subspecies 3, with traverse, for prosecution in the above-identified application. Claims 1-4, and 6 read on subspecies 3, as shown in Figure 8.

The Examiner asserted that inventions II and I are related as a combination and subcombination. In order to establish that combination and subcombination inventions are distinct, two-way distinctness must be demonstrated. Distinctness in combination and subcombination inventions is shown when the (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, **and** (2) the subcombination can be shown to have utility either by itself or in other and different relations (MPEP § 806.05(c)).

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The Examiner asserted that the combination as claimed does not require the particulars of the subcombination as claimed because the combination, which is of a filter unit, does not require the particular features or limitations of the fastening strip, such as having the support portion thereof to be curved (as in claim 3) and the fastening portion thereof to comprise two flexible projecting portions having a gap therebetween allowing the projecting portions to move towards one another and act as a spring (as in claim 5).

Applicants submit that with the entry of the preliminary amendment, filed in an attached separate paper, that the claimed combination (the filter unit) now requires the particular features of the subcombination (fastening strip). New claims 14-18, respectively correspond to claims 2-6, and incorporate the claimed fastening strip features into the filter unit.

In view of the remarks above, and the preliminary amendment, applicants request that Inventions I and II, claims 1-9 be examined on the merits.

Alternatively, should the Examiner maintain the restriction requirement, Applicants request rejoinder of the filter unit claims that corresponds to each allowed species of fastening strip. For example if claim 6 is allowed then claim 18 should be rejoined, likewise if claim 5 is allowed then claim 17 should be rejoined, etc.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including

extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

MCDERMOTT, WILL & EMERY

A handwritten signature in black ink, appearing to read "Bernard P. Codd". The signature is fluid and cursive, with the first name "Bernard" being more prominent.

Bernard P. Codd

Registration No. 46,429

600 13th Street, N.W.
Washington, DC 20005-3096
(202)756-8000 BPC:rrh
Facsimile: (202)756-8087
Date: June 24, 2002